



Mercury and Mercury Products Law

What is mercury?

Mercury is a silvery, liquid metal at room temperature. It is an element; its periodic table symbol is Hg. It exists in gas, liquid or solid form. Because it is an element, mercury does not break down into less toxic substances. Once mercury is in the environment, it circulates in the atmosphere until it ends up at the bottom of lakes and oceans. Bacteria and chemical reactions in lakes and wetlands change mercury into a more toxic form known as methylmercury. Fish become contaminated with methylmercury by eating plankton and smaller fish that have absorbed methylmercury. Many people used to play with mercury beads, but we now know more about the harmful effects of breathing mercury vapors.

What are the hazards of mercury to people?

Mercury is a human neurotoxin. It affects our nervous systems. In extreme cases, mercury poisoning can cause severe mental impairments in people of all ages. Mercury is especially toxic to young children. Even though many people used to play with mercury, we now know that this was not a safe practice. Breathing mercury vapors can be dangerous. Eating large quantities of mercury-contaminated fish can also be dangerous. For many years, Indiana has published a fish consumption advisory for mercury and other toxic substances. You can view a copy of the advisory at www.IN.gov/idem/mercury.

What is the Mercury and Mercury Products Law?

House Enrolled Act 1901 (Public Law 225-2001), passed in 2001, added new provisions to Indiana State Law that restricts and, in some cases, bans the use, distribution, and disposal of mercury and mercury-containing products. You can view the codified version (IC 13-20-17.5) of the law in the Indiana Code at www.IN.gov/legislative/ic/code/title13/ar20/ch17.5.html.

Antiques, defined as products manufactured before 1980, are exempt from all bans and restrictions in the law.

Mercury-added Novelty

- A Mercury-added Novelty is a product intended mainly for personal or household enjoyment that contains mercury. Examples include figurines, toys, cards, ornaments, yard statues, candles, jewelry, decorations, footwear and other apparel items. Also included are items intended for use as practical jokes. A mercury-containing fever thermometer is not a mercury-added novelty.
- After July 1, 2003, it is illegal to sell or distribute for promotional purposes any mercury-added novelty, if the distributor knows, or has reason to know, the novelty contains mercury, unless the only mercury in the novelty is in the mercury-added button cell battery. However, since 1996, other State and Federal laws (See IC 13-20-17 and 42 USC § 14331 et seq.) have restricted the amount of mercury that may be contained in button cell batteries offered for sale or promotional uses.

Mercury-added Product

- A Mercury-added Product is an item, or parts of a product that contains elemental mercury, alloys of metallic mercury, inorganic forms of mercury salts, or organic mercury. The mercury in the products is intentionally used by the manufacturer to provide a specific characteristic or quality that allows the product to perform a specific beneficial function. Examples include fever thermometers, electrical switches, and some chemical mixtures.
- After July 1, 2003, Indiana residents will only be able to obtain mercury-containing fever thermometers (glass fever thermometers with the silver liquid in them) directly from pharmacists, pharmacist assistants and licensed practitioners of medicine. In most cases, this means the thermometers will be placed behind the prescription counter. The law does not require pharmacists to sell mercury-containing fever thermometers. Electronic (digital) thermometers are exempt from this ban if the only mercury contained in the thermometer is in the battery.

Mercury Commodity

- A Mercury Commodity is elemental (liquid) mercury and its container only if the mercury is not performing a specific beneficial function for a product. An example of a mercury commodity is mercury in a container (jar, baggie, etc.) that was removed from a mercury-containing device such as a thermostat or a mercooid switch.
- After July 1, 2003, except for mercury collected for recycling purposes, mercury commodities may be sold or provided to another person in the state, only if the seller or provider:
 - (A) provides a Material Safety Data Sheet (MSDS) with the mercury commodity; and
 - (B) requires the purchaser or recipient to sign a statement indicating the:
 - 1) mercury will be used for medical, dental, research, training or manufacturing purposes; and
 - 2) recipient/purchaser understands mercury is toxic; and
 - 3) mercury will be properly stored and used such that no one will be exposed to mercury under normal conditions; and
 - 4) mercury will not be intentionally disposed of down a drain or with trash.
- After July 1, 2003, public and nonpublic schools may not purchase or use mercury commodities, mercury compounds or other mercury-added instructional aids in primary and secondary classrooms. The only exception to this ban is measuring devices and thermometers for which no adequate substitute exists for use in laboratories. Mercury-containing items such as thermostats are still permitted inside buildings.

How will the Mercury and Mercury Products Law be implemented?

- Solid waste management districts are required to implement mercury collection programs for the public and small businesses. Districts are developing plans to incorporate mercury collection programs into household hazardous waste (HHW) collection and conditionally exempt small quantity generator (CESQG) waste collection programs.
- Solid waste management districts are required to implement public education programs on the reuse and recycling of mercury in mercury commodities and mercury-added products. IDEM must provide technical support to the districts for the implementation of the education and collection programs and to the extent possible will provide financial support in support of these endeavors.
- Counties, municipalities and townships are now authorized to implement local mercury collection programs for the public and small businesses. Local communities may incorporate mercury collection into HHW and CESQG waste collection programs.
- IDEM must provide support to counties, municipalities or townships that choose to implement local educational programs related to mercury reuse, recycling and collection programs available to the public.

Where can I get more information?

For more information on IDEM's efforts on House Enrolled Act 1901, contact Paula Smith with IDEM's Office of Planning and Assessment at (800) 451-6027, extension 3-1210. Additional information is available on IDEM's mercury web site at www.IN.gov/ideam/mercury. A complete copy of House Enrolled Act 1901, the Mercury and Mercury-Products law, is available on line at www.IN.gov/ideam/busleg/legislative/summaries/2001/hea1901.pdf.

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